GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

MA & UD Department – Ward Secretaries Recruitment 2019 – Appointment of B.Com Students who qualified as per merit list and rejected to the post of Ward Welfare and Development Secretary (Grade.II) – Orders of the Hon'ble High Court of A.P. in certain Writ Petitions and Writ Appeals and also Judgment of Hon'ble Supreme Court of India, New Delhi – Implementation of Court Orders for appointment of B.Com students who qualified as per the merit list for the post of Ward Welfare and Development Secretary (Grade.II) – Orders – Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (UBS) DEPARTMENT

G.O.Ms.No.41 Dated:07-03-2024

Read the following:

1. G.O.Rt.No.523, MA & UD (UBS) Department, dated 21.08.2019.
2. Government Notification No.06/2019, dated 26-07-2019.
3. From the GVWV&VSWS Department dated 02.07.2020 along with note from Secretary to Hon'ble C.M., CMP No.369/Secy-CM/2020, dated 17-06-2020 along with the letter of Sri Y.S. Avinash Reddy, M.P. (LS), Kadapa, dated12.06.2020 and CMP No.2040/23 dated 02-06-2023.
4. Government Memo No.3607407/MA & UD (UBS) Department/2020, dated 06.07.2020.
5. From the C&DMA., Mangalgiri Lr.Roc.No.22/70/2020/IT, dated 26.08.2020.
6. Government Memo No.3607407/MA & UD (UBS) Department/2020, dated 05.11.2020.
7. Orders of Hon'ble High Court of A.P. in W.P.No.2820/2021, dated 13.04.2022 filed by Sri P. Murali, R/o. Pulivendula Mandal and 13 Others.
8. Orders of Hon'ble High Court of A.P. in W.P.No.18147/2019, dated 11.07.2022 filed by Sri B.G.M. Varaprasad and another R/o. Ananthapuram District.
9. Orders of Hon'ble High Court of A.P. in W.P.No.10542/2021, dated 28.07.2022 filed by Sri P. Srinivasa Rao and Others R/o. Prakasam District.
10. Government Memo No.1769116/MA & UD (UBS) Department/2022, dated 29.06.2022.
11. Government Memo No.1769116/MA & UD (UBS) Department/2022, dated 20.07.2022.
12. Government Memo No.1841114/MA & UD (UBS) Department/2022, dated 15.09.2022.
13. Common Order of Hon'ble High Court of A.P. dated 05-05-2023 in W.A. Nos.613, 748 & 749 of 2022 in W.P. Nos. 2820/2021, dated 13.04.2022, 18147/2019, dated 11.07.2022 and 10542/2021, dated 28.07.2022.
14. Government Memo No.1769116/MA & UD (UBS) Department/2022, dated 09.05.2023.
15. From the C&DMA., Mangalgiri Lr.Roc.No.22/97/2023/N/Sec, dated 20.06.2023.
16. Government Memo No.1769116/MA & UD (UBS) Department/2022, dated 26.05.2023.
17. Orders of the Hon'ble Supreme Court of India, New Delhi in SLP No. (Civil)No.12193-12195/2023, dated 14.07.2023.

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18. C.C.No.6051/2023 in W.P.No.12822/2023, dated 11.05.2023 filed by Sri Siva Rama Krishna & 4 Others R/o. Krishna District.
19. From the CDMA., Mangalgiri Lr.Roc.No.22/97/2023/N/Sec, dated 16.08.2023, 04.11.2023, 21.09.2023 and 21.12.2023.

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ORDER

The Commissioner and Director of Municipal Administration, Mangalagiri in the references 5th & 19th read above has stated that Government vide G.O.Ms.No.217, MA & UD (UBS) Department, dated 20.07.2019 have constituted Ward Secretariats in all Urban Local Bodies in the State consisting of 10 Functional Assistants to work in co-ordination with the ULBs to provide better services to the public of the State. Out of which 6 categories i.e., (1) Ward Administrative Secretary, (2) Ward Sanitation and Environmental Secretary Grade-II, (3) Ward Education and Data Processing Secretary, (4) Ward Welfare and Development Secretary Grade-II, (5) Ward Amenities Secretary Grade-II and (6) Ward Planning and Regulation Secretary Grade-II are pertaining to Municipal Administration Department. Further, the Government have issued notification vide No.6/2019, dated 26-07-2019 for recruitment of Ward Welfare and Development Secretaries Grade-II in the ULBs of the State with a qualification of a Graduate in "Arts and Humanities and above" and accordingly recruitment process was completed as per norms.

2. Further, the Government vide GO RT No.591, MA & UD (UBS) Department, dated 17.09.2019 have constituted District Level Committee consists of District Collector as Chairman, Joint Collector-I is the Vice Chairman, District Head Quarter Commissioner is the Member-Convenor and all the Municipal Commissioners of concerned Districts are Members for conduct of Examination at District Level, Declaration of Result, 1st level verification of certificates, preparation of selected seniority as per merit and roaster and forwarding to Regional Level Committee. The Regional Level Committee consists of Regional Director of Municipal Administration concerned as Chairman, Superintending Engineer (PH) concerned and Regional Deputy Director, Town Planning are Members in the committee for verification of Certificates & other Documents of selected Candidates as per list forwarded by the District Level Committee, arriving vacancies and issue of Appointment & Posting orders. Accordingly, the District Level Committees of Erstwhile Districts have conducted the certificate verification at 1st level and selected Candidates who are having qualification of Graduation in Arts and Humanities & above for the post of Ward Welfare and Development Secretary as per the merit and roaster points and the selected list was sent to the Regional Level Committees of all Regions in the State of AP for verification & issue of appointment and posting orders. As a result, the Regional Level Committees have appointed the Ward Welfare & Development Secretaries as per the selected list furnished by the District Level Committee. During the certificate verification, the candidates having B. Com qualification was rejected by the District Level Committee of Erstwhile Districts as per the qualifications mentioned in the Notification No. 6/2019 dated: 26-07-2019. Accordingly, the Regional Level Committees have appointed the Ward Welfare & Development Secretaries other than qualified B.Com candidates as per the selected list furnished by the District Level Committee.

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3. The Secretary to Hon'ble C.M., in his Note dated 17-06-2020 & 02-06-2023 vide reference 3rd read above has forwarded the representations ofMember of Parliament, Kadapa Parliament and some of the candidates to consider the B.Com candidates for the post of Ward Welfare & Development Secretary Grade-II and requested to examine and take necessary action in the matter.

4. The matter was referred to Commissioner & Director of Municipal Administration vide reference 4th read above for his remarks and report. The Commissioner & Director of Municipal Administration vide reference 5th read above has stated that the Secretary, A.P. State Council of Higher Education, Tadepalli has been addressed by the Commissioner & Director of Municipal Administration to inform the details of the courses to be covered under Arts & Humanity for the post of Ward Welfare & Development Secretary (Grade-II). In response to this, the Secretary, APSCHE, Tadepalli while enclosing a copy of the UGC Gazette Notification No. 27, dated 05-07-2014 has informed that the UGC has issued specification of Degrees in the said Notification in super-session of all the earlier Gazette Notifications which may be followed. According to the said Notification, the B.Com., degree is not covered under the discipline of Arts/ Humanities/ Social Sciences (Sl.No.18 to 23) and the same is mentioned under the discipline of Business Administration/Commerce/ Management/Finance at Sl.No.32 to 37 of the said Notification. He has therefore requested the Government to issue necessary orders in the matter.

5. In the reference 6th read above , Government have informed the Commissioner & Director of Municipal Administration that the request of the B. Com students to allow for the post of Ward Welfare & Development Secretary (Grade-II) cannot be considered in view of specification of Degrees under Arts & Humanities Social Sciences published by University Grants Commission Gazette of India vide Notification dated 05-07-2014.

6. Aggrieved to this certain qualified B. Com candidates have filed several Writ Petitions before the Hon'ble High Court of AP vide references 7th, 8th& 9th read above. **The Hon'ble High Court has directed the Commissioner & Director of Municipal Administration to make fresh enquiry into the educational qualifications of the Petitioners to record specifically if their B.Com., course is covered under educational qualification of "Arts & Humanities" as notified.** "Consequent upon such enquiry, if the petitioners' educational of B. Com is found to be covered under 'Arts and Humanities", the petitioners shall be considered for appointment to the post in question, if there is no other legal impediment and perfectly in accordance with law". In compliance to the said orders, the RDMAs have conducted fresh enquiry into their educational qualifications and rejected their candidature as reported by the Commissioner & Director of Municipal Administration, Mangalagiri.

7. The petitioners in W.P. Nos 2820/2021, 18147/2019 & 10542/2021 have subsequently filed Writ Appeals questioning the above said court orders and the Hon'ble High Court of AP in its Judgment dated 05-05-2023 in the reference 13th read above has made the following order:

"In the opinion of this court, the appellants who have qualified in the exam and who were found ineligible only at the stage of certificate verification should be considered eligible for the job. The order passed by Learned Single Judge is therefore set aside. The respondents are directed to consider and appoint the petitioners as Ward Welfare & Development Secretary (Gr.II) under their respective categories.

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"W.A No. 613/22 is allowed setting aside the order dt.13-04-2022 in W.P. No.2820/21. W.A No. 748/22 is allowed setting aside the order dt.11-07-2022 in W.P. No.18147/19. W.A No. 749/22 is allowed setting aside the order dt.28-07--2022 in W.P. No.10542/21".

"a uniform declaration is given that the B. Com, course is a course in Arts and Humanities. The respondent Nos.1 to 3 are directed to take steps for considering the petitioners/appellants for appointment immediately. This exercise should be completed within eight (8) weeks from the date of receipt of a copy of this order".

8. In the reference 16th read above, Government have permitted the Commissioner & Director of Municipal Administration to file the SLP before the Hon'ble Supreme Court of India, New Delhi against the above Judgment of AP High Court in consultation with Advocate-on-Record, New Delhi.

9. The Hon'ble Supreme Court of India, New Delhi in its Judgment vide reference 17th read above, upon hearing counsel the Court made the following Order:

- Exemption Application is allowed.
- Having head learned counsel for the petitioners at a considerable length and after carefully perusing the material available on record, we do not find any ground to interfere with the common impugned order dated 05-05-2023 passed in WA No.613/2022, WA No.748/2022 & WA No.749/2022 by the High Court of Andhra Pradesh at Amaravathi.
- The Special Leave Petition is accordingly dismissed.

10. Pursuant to the above Judgment of Hon'ble Supreme Court of India, New Delhi dismissing the Special Leave Petition, the matter was examined in consultation with Commissioner & Director of Municipal Administration, Law Department, General Administration Department and Finance Department. Further, if the existing in-service candidates whose services were already regularized are removed to accommodate the B.Com., eligible candidates, then it may also lead to further legal complications as opined by Law Department, hence it was decided to take up a comprehensive view in the matter.

11. To avoid such situation, the Commissioner & Director of Municipal Administration has been directed to examine the proposal in greater detail as per the above opinions, in respect of all the eligible candidates irrespective of whether they approached the High Court or not, duly obtaining the Rank, Marks obtained, cut-off marks, roaster points, availability of district-wise vacancies in the cadre of Ward Welfare & Development Secretary (Grade-II), to take a policy decision in the matter. Also, he has been directed to submit the proposals studying various options available to accommodate all the eligible and willing B. Com candidates by issuing a Notice calling their willingness to join in the post, if their candidature for appointment is considered.

12. Accordingly, Commissioner & Director of Municipal Administration has submitted a detailed proposal stating that, 460 candidates are willing to join in the post of Ward Welfare & Development Secretary (Grade-II) and there are only 185 existing vacancies available in the said cadre. He has finally requested the Government to issue necessary orders for appointment of all the eligible & willing B. Com candidates.

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13. Government after careful examination of the matter in consultation with concerned line Departments viz. Law / General Administration / Finance / Gram Volunteers/Ward Volunteers & Village Secretariats/Ward Secretariats / Panchayat Raj & Rural Development / Social Welfare, it is decided to implement the Common Orders of the Hon'ble High Court of AP in W.A. Nos.613, 748 & 749 of 2022, dated 05-05-2023 vide reference 13th read above and as up held by the Supreme Court of India, New Delhi vide its Orders 17th read above and accordingly hereby order for appointment of the eligible and willing B.Com qualified candidates as per merit list duly following the procedure stipulated in the G.O. Rt.No.591, MA&UD (UBS) Department, dated: 17-09-2019 for the post of Ward Welfare & Development Secretary (Grade-II) since the petitioners in W.A's have already filed C.Cs for non-implementation of the Hon'ble High Court of AP Orders and to avoid further legal impediments in the following phased manner:

i. In the first instance, the appointment of those eligible B.Com candidates who are in the merit list and have obtained favourable orders from the APHC (irrespective of their rank in the merit list), will be considered against the 185 nos. of existing vacancies available in MA&UD Department either as per present (RoR) Roster Points (or) against the future Roster Points, subject to obtaining an undertaking from them that they will take last rank in the seniority.
ii. Appointment of the remaining eligible and willing B.Com candidates who are in the merit list will be taken up in due course of time after creation of supernumerary post in the category of Ward Welfare & Development Secretary (Grade .II) in MA & UD Department.

14. The Social Welfare Department is requested to block/not to fill up the 275 or Equivalent number of vacant posts of Village Welfare & Education Assistants, till the regular vacancies arise in MA&UD Department.

15. The District Selection Committee / Appointing Authorities are directed to ensure that, Appointment Orders are issued only to those eligible B.Com candidates (whether they have approached the court or not) who are in the merit list and already given willingness.

16. The Commissioner & Director of Municipal Administration, Mangalagiri, Panchayat Raj & Rural Development Department and Social Welfare Department shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y. SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner & Director of Municipal Administration, Mangalagiri
The Social Welfare Department, AP Secretariat
The PR & RD Department, AP Secretariat, Velagapudi
Copy to: -
All the District Collector & Magistrates through C&DMA, Mangalagiri
All the RDMAs through C&DMA, Mangalagiri
The P.S. to Chief Secretary to Government, AP Secretariat

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The Finance Department, AP Secretariat
The Law Department, AP Secretariat
The General Administration Department, AP Secretariat
The GVWV/VSWS Department, AP Secretariat
The OSD to Hon'ble Minister (MA & UD), AP Secretariat
The P. S. to Deputy C.M, PR & RD Department, AP Secretariat
The P.S. to Secretary to C.M, AP Secretariat
The P.S. to Special C.S. to Government, MA & UD Department
Sc/Sf

//FORWARDED BY ORDER//

Md. Nasru Sagar
ASSISTANT DIRECTOR